

REMARKS

Favorable reconsideration, reexamination, and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks. The foregoing amendments are fully supported by the original specification and claims, particularly on page 23, lines 2-7 and the examples. No new matter is added.

Amendments

Claims 1-76 have been cancelled. Claim 77 is amended. Claims 77-84 are under examination.

Interview of February 6, 2007

Applicant's representative greatly appreciates the Examiner's time and helpful comments during the interview of February 6, 2007. The Interview Summary is properly reflective of the substance of the interview discussion.

Rejection under 35 U.S.C. § 102

In the Office Action, beginning at page 2, Claims 77-84 were rejected under 35 U.S.C. § 102, as reciting subject matters that allegedly are anticipated by Kobayashi et al., as evidenced by Zakataeva et al. and Kruse et al. Applicant respectfully requests reconsideration of this rejection.

The claims now distinctly recite the 3 manipulative steps of the claimed method, that is, cultivating the bacterium, removing solids including cells from the medium, and purifying the L-amino acid from the medium obtained in the second step. These are distinct steps as indicated in the claim, for example, that the L-amino acid is purified from the medium obtained in the second step. Obviously, one cannot purify the L-amino acid of without first obtaining the medium in the second step, that is, a medium having the solids, including cells, removed.

Kobayashi fails to teach recovery of an L-amino acid, and therefore, fails to teach steps B) and C), either explicitly or inherently, of claim 77. During the interview, the Examiner suggested that the description of the "Enzyme Assay" on page 1009 (bottom of 1st column) might be interpreted to encompass the claimed method. However, although this method teaches culturing cells and spinning them down (centrifugation), it is the pellet, that is, the solids, which includes the cellular debris, which is further analyzed. To the contrary, in the claimed method, it is the medium that is left (the supernatant) after removing the solids that contains the objective L-amino acids, and is used in the further manipulative step C) to purify the L-amino acids. Clearly, Kobayashi teaches away from purifying L-amino acids from any cell culture since the only description of a culture method describes manipulation of the post-centrifugation pellet, which does not contain the objective L-amino acids.

Furthermore, "purifying" as defined in the specification on page 23, lines 2-7 clearly indicates a manipulative step such as "ion exchange, concentration and crystalline fraction methods..." is performed, which is not described or suggested by the Enzyme Assay of Kobayashi. Therefore, Kobayashi cannot anticipate the claimed invention.

For at least the foregoing reasons, Applicant respectfully submits that the subject matters of Claims 77-84 are not anticipated by Kobayashi et al., Zakataeva et al., and Kruse et al., are therefore not unpatentable under 35 U.S.C. § 102, and therefore respectfully requests withdrawal of the rejection thereof under 35 U.S.C. § 102.

Conclusion

For at least the foregoing reasons, Applicant respectfully submits that the present patent application is in condition for allowance. An early indication of the allowability of the present patent application is therefore respectfully solicited.

If Examiner Steadman believes that a telephone conference with the undersigned would expedite passage of the present patent application to issue, he is invited to call on the number below.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is hereby authorized to charge fees necessitated by this paper, and to credit all refunds and overpayments, to our Deposit Account 50-2821.

Respectfully submitted,

By: _____


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